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ABSTRACT

Law and court decisions concerning cost as a factor in determining an appropriate special education program or placement are reviewed. The historical context is briefly considered, including numbers of students needing and receiving special education services for 1976-77 and 1992-93 as well as public expenditures for special education in 1987-88 and amount per child adjusted for inflation for 1992. Legal decisions are identified that pertain to: government and private sources of special education funds, third party payments, consideration of costs for the individualized education plan team meeting, the meaning of free appropriate public education, failure to find a qualified provider, paying for evaluations, cost issues in shortened school days and transportation, cost as a factor in determining appropriate medical and school health services and in placement determinations, and whether cost can be a consideration under the Americans with Disabilities Act. A brief summary and recommendations conclude the review. (SW)

COST AS A FACTOR IN DETERMINING AN APPROPRIATE SPECIAL EDUCATION PROGRAM OR PLACEMENT

1995 CEC Convention

Indianapolis, Indiana

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ABSTRACT: Special education programs and placement have a significant impact on a school's budget. May cost be a factor in determining appropriate special education services for a student with a disability? This paper reviews applicable law and court decisions concerning cost as a factor in determining an appropriate special education program or placement.

Introduction

Special education administrators have the challenging task of attempting to balance their responsibility to provide a free appropriate public education in the least restrictive environment to all students with disabilities while struggling to manage the growth of their special education budget in the face of limited financial and popular support.

Critics have claimed that special education is a "bloated bureaucracy", squandering limited public resources on individuals who have little possibility of becoming contributing members of society .

May public schools use cost as a factor in decision making? From an administrative perspective, a cost/ benefit analysis of a prospective special education program or placement makes sense. But is such an analysis legally permissible? If a cost/ benefit analysis is permissible, what, if any, parameters exist to guide public schools in decision making?

How did we get into this mess?

Prior to the passage of PL 94-142 (now IDEA), reasonable, intelligent, and committed educators made decisions regarding students with disabilities which seem inappropriate by today's values and standards:

- Students were excluded from public school if they had certain types of disabilities, severity of disabilities, or lacked certain functional skills.
- Some students with disabilities were provided services or placements based upon administrative convenience /available funding models.
- Schools for the disabled were centrally located to maximize staff efficiency while limiting transportation costs.
- Schools arbitrarily limited the types and amounts of services available or refused to provide certain services.

While the decisions or practices that led to the passage of the IDEA may challenge our current value system, not to mention Federal Law, let us hope that future generations will not judge too harshly our current policies and practices in special education.

The Mythology of Special Education

An enduring myth in the field of special education is that the cost of a special education program or placement may not be considered when parents and school staff develop a child's IEP or when the school determines an appropriate placement for a student.

U.S. District Court, D.C., (1972), *Mills v. Board of Education* 348 F. Supp. 866
"If sufficient funds are not available to finance all of the services and programs that are needed and desirable in the system, then the available funds must be expended equitably in such a manner that no child is entirely excluded from a publicly supported education consistent with his needs and ability to benefit therefrom. The inadequacies of the District of Columbia public school system, whether occasioned by insufficient funding or administrative inefficiency, certainly cannot be permitted to bear more heavily on the "exceptional' or handicapped child than on the normal child."

OSEP Advisory Ruling (1978) *Letter to Firth*, EHLR 211:84

- "Financial concerns cannot be the basis for making a placement decision. For example, if a child could attend his own local school except for the need to provide an aide to assist him, it would be hard to justify sending that child to a more distant school"

The Current Situation

Since 1976, public schools have been experiencing continued increases in the demands for and in the costs of special education services while facing decreasing resources, (All data from *16th Report to Congress*).

The number of students identified as needing special education has increased ~~253.7%~~ 39%.
1976-77 - 3,708,588
1992-93 - 5,170,242

The estimated resident population for children aged 3-21 has decreased 5.49 %
1976-77 - 72,782,000
1992-93 - 68,855,004

Per cent of the estimated resident population receiving special ed. services.
1976-77 - 2.00%
1992-93 - 5.09%.

(all data from the *U. S. Department of Education's 16th Report to Congress*)

The Cost of Special Education Services

- The state, local and federal expenditures for special education have exceeded $19.2 Billion in 1987-88, (*14th Report to Congress*).
- In 1976, Congress authorized up to 40 percent of the average per child cost for special education.
- In 1992-93, Congress provided approximately 8.3 percent or $411 per child.
- When adjusted for inflation this represents $169, only $11 more than the 1978 funding level of $158, (*16th Report to Congress*).

How Are Schools Supposed To Pay For Special Education And Related Services?

34 CFR 300.301 *FAPE - Methods and payments*

- "Each state (and each LEA) may use whatever State, local, Federal, and private sources of support are available in the State to meet the requirements of (IDEA)."
- "Nothing in this part relieves an insurer or similar third party from an otherwise valid obligation to provide or to pay for services provided to a child with a disability.

34 CFR 300.230, *Nonsupplanting*

- Part B funds may not supplant state or local funds
- Part B funds may be used to supplement / increase the level of state / local funds for special education.
- Total amount or average per capita amount of state/local funds budgeted must be at least equal to amounts expended in previous year.
- Allowances may be made for:
    - a reduction in the number of students with disabilities or
    - unusually large expenditures for long term purposes.

OSEP Advisory Ruling (1992), *Letter to Porter*, 18 IDELR 596

- Federal, state, local and private sources of funds may be used to provide special education and related services as long as all services are provided at no cost to the parents.

OSEP (1992), *Letter to R. Fisher*, 18 IDELR 1033

- In spite of an across-the-board cut of 10% for all educational services, CFR 300.230 would not permit a district to reduce the amount of state and local funds below the level of state and local funds expended for special education services in the previous school year.
- No waivers of the nonsupplanting requirements of 300.230 has ever been granted.

May a District Use Third Party Payments?

OCR Ruling (1990), *Trans Allied-Medical Education Services, Inc. (IL)*, 16 EHLR 963

- Parents faced a risk of depleting the available lifetime coverage or annual service coverage, loss of insurability, increased premiums, or discontinued coverage due to a not for profit agency's insurance billing system.
- Districts which utilized the not for profit as a means of accessing third party payments for related services denied FAPE to students with disabilities.

3rd Circuit Court (1990), *Chester Cty. Interm. Unit v. Penn. Blue Shield*, 16 EHLR 925

- The IDEA does not act to bind private insurance companies who may contractually exclude from coverage those services which the IDEA requires public agencies to provide at no cost to parents.

OSERS Advisory Ruling(1991), *Letter to Spinner*, 18 IDELR 310
OSEP Advisory Ruling (1993) *Letter to Spann*, 20 IDELR 627

- The parents of a student with disabilities must provide explicit consent for the public agency to file a claim against their insurance policy to recover the costs for related services when such a claim would pose a realistic threat of financial loss to the parent.
- Refusal to provide consent cannot result in a denial of services to the student.

OSERS Ruling (1992), *Letter to Sen. Cohen*, 19 IDELR 278

- Districts may use a variety of funding sources for the provision of assistive technology devices and services including Medicaid, Maternal and Child Health and private insurance.
- Use of alternative funding must be at no cost to the parents and not result in a reduction in assistance or change in their eligibility under the funding program.

May Costs Be Considered In The IEP Team Meeting?

34 CFR 300.344 - *Participants in Meetings*
Each IEP Team meeting must include..."(a) representative of the public agency other than the child's teacher, who is qualified to provide, or supervise the provision of, special education."

Appendix "C" question #13. *Who can serve as the representative of the public agency at an IEP meeting?*

- The representative could be any member of the school staff, other than the child's teacher, qualified to provide, or supervise special education services
- The representative shall ensure that IEP services will actually be provided
- The representative shall ensure that the IEP will not be vetoed at a higher administrative level within the agency.
- The representative should have the authority to commit agency resources (i.e., to make decisions about the specific special education and related services that the agency will provide to a particular child)."

What is a Free Appropriate Public Education?

34 CFR 300.8 *Free Appropriate Public Education*

- Means special education and related services that:
  1. Are provided at public expense, under public supervision and direction;
  2. Are provided at no cost to the parents;
  3. Meets the standards of the SEA and the IDEA;
  4. Includes preschool, elementary, and secondary education;
  5. Are provided in conformity with an IEP.

U.S. Supreme Court, (1982), *Rowley v. Board of Education*, EHLR 553:656

- Defined the standard used to determine an appropriate education as:
  1. Has the State complied with the procedures set forth in the Act?
  2. Is the IEP reasonably calculated to enable the child to receive educational benefits?
- Noted that decisions regarding appropriate methodology are best left to the state.

What if I Can't Find a Qualified Provider?

OCR (1987), *Leslie County (Ky) School District*, EHLR 352:453

- Failure to refer students in need of special education because of understaffing in district is violation of Reg. 104.35.

OCR Ruling (1989), *Mobile County (AL) School District*, 16 EHLR 387

- Overcrowded classes, in violation of State guidelines for enrollment, denied students with disabilities comparable facilities and programs in violation of Section 504.

OSEP Advisory ruling (1992) *Letter to Hegner*, 20 IDELR 1220

- If the district does not have a psychologist available to provide counseling services as required by IEP, district may hire additional staff or contract for services
- District is not required to maintain same number of staff. District must expend the same aggregate amount of state and local funds as it did the previous year.
- The district may use its discretion to determine how these amounts will be allocated between supplies, services, staffing etc.

OCR Ruling (1993), *Montebello (CA) Unified School district*, 20 IDELR 388

- District denied FAPE to students in a special day class when the district used a series of unqualified and untrained substitute teachers for an extended period.
- District denied FAPE by failing to provide the students with the range of classroom equipment and supplies previously available to the class.

N.J. Superior Court, (1994) *Impey v. Board of Ed*. 21 IDELR 1037

- The Board's decision to terminate a part time tenured "speech correctionist" and contract for speech services through a cooperative constituted a proper exercise of its powers and resulted in a net savings in excess of $12,000/yr. The N.J. Legislature had authorized the abolition of teaching positions for reasons of economy and efficiency.

Do We Have to Pay for All of These Evaluations?

OSEP Advisory Ruling (1992) *Letter to Greer*, 19 IDELR 348

- Public agencies are responsible for any costs associated with the provision of special education and related services specified in a student's IEP.
- Public agencies are **NOT** responsible for any costs associated with the implementation of evaluation recommendations which are not adopted as part of the student's IEP.
- Public agencies are responsible for implementing the written or verbal recommendations of the multidisciplinary team for further evaluation of a student's educational needs.

- Public agencies are NOT responsible for implementing the recommendations of a member of the multidisciplinary team (either written or verbal) for further evaluation of a student's educational needs.

OSEP Advisory ruling (1994) *Letter to Anonymous*, 21 IDELR 998
- Parents may request a Part B (IDEA) evaluation at any time.
- The parent's request for a part B evaluation does not automatically trigger the obligation of the LEA to conduct the evaluation.
- An LEA must conduct an evaluation without undue delay only if the LEA suspects that the child has a disability and is in need of special education and related services.

34 CFR 300.503 *Independent Educational Evaluation*
- Parents are entitled to an independent evaluation at public expense when they disagree with the evaluation obtained by the public school.
- The term "public expense" means that either the public school pays the full cost of the evaluation or ensures that the evaluation is provided at no cost to the parent, (34 CFR 300.503).
- Whenever an IEE is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the evaluator, must be the same criteria which the public agency uses when it initiates an evaluation

Analysis of the Final Regulations (for EHA-B), (1977), 42 FR 42511
- "...public agencies should not be asked to bear the costs of unreasonably expensive independent evaluations."

OSEP Advisory ruling (1989) *Letter to Kirby*, EHLR 213:233
OSEP Advisory ruling (1990) *Letter to Thome*, 16 EHLR 606
- A district may establish maximum allowable charges for specific tests.
- The maximum cannot simply be an average of the fees customarily charged in the area by qualified professionals...
- The maximum must allow parents to choose from among the qualified providers in the area and only eliminate unreasonably excessive fees.
- Districts must allow parents the opportunity to demonstrate that unique circumstances justify an IEE that does not fall within the district's criteria.
- Districts may use the hearing process to demonstrate that a fee was "unreasonably expensive".

Cost Considerations in Shortened School Day / Transportation

OCR Ruling (1990), *South Central Indiana Area Sp. Ed. Cooperative*, 17 EHLR 248
- Shortened school day offered by special education cooperative and its member districts in segregated placement without educational justification violated Section 504 (104.4(b)(1)(ii) and (iv) and 104.33 (b)(1).

OCR Ruling (1993), *La Canada (CA) Unified School District*, 20 IDELR 630
- School violated Section 504 and the ADA by providing students with severe disabilities a school day of approximately 1 hour less then their peers at the same location without any evidence of medical necessity or individualized determination.

OCR Ruling (1993), *Granite (UT) School District*, 19 IDELR 984
- Shortened school day to accommodate district's transportation schedule in violation of Section 504 (104.4(a),(b)) and the ADA regulations at 28 CFR 35.130 (a),(b).

OCR Ruling (1994), *Rockland Ma. Public School*, 21 IDELR 1063
- A student placed out-of-district received 15 minutes less instructional time than peers attending local school because of transportation arrangements.
- District denied FAPE to the student and violated Section 504 and the ADA.
- District agreed to provide compensatory services for the shortened school day
- District agreed notify all parents that out-of-district students were entitled to at least as much daily instructional time as provided to students attending local school.

May Cost be a Factor in Determining Appropriate Medical / School Health Services?

9th Circuit Court, (1983), *Department of Educ. v. Katherine D.*, EHLR 555:276
- Court found that a program including emergency medical procedures (suctioning lungs, medication and reinsertion of tracheostomy tube) in a public school provided FAPE
- "Because budgetary constraints limit resources that realistically can be committed to these special programs, the DOE is required to make only those efforts to accommodate Katherine's needs that are within reason."

2d Circuit Court, (1987), *Detzel v. Board of Ed.*, EHLR 558:395
- Constant nursing care for student with tracheostomy was not a related services.

U.S. District Court, W.D. Pa., (1987), *Bevin H. v. Wright*, EHLR 559:122
- Constant nursing services for a student with multiple impairments including a tracheostomy is too intensive and costly to be considered a related service.
- Cost alone is not determinative of related services.

U.S. District Court, Utah (1992),*Granite School District v. Shannon*, 18 IDELR 772
- Full time nursing by an LPN for tracheostomy care and feeding through a nasogastric tube ($30,000+) was determined not to be a related service.
- The child's need for constant care and monitoring was distinguished from the intermittent care required in *Tatro*.
- Nursing services were not "reasonably available" since the district's 3 school nurses serve 75,000 students in more than 90 schools.
- At least 8 other students within the district were also in need of full time nursing services.
- "The expense of providing Shannon's requested care would undoubtedly take money away from other programs." (Note: Medicaid funding may have been available.)

U.S. District Crt., M.D. Tenn. (1994) *Neely v Rutherford County Schools* 21 IDELR 373

- Full time services by an LPN, RN, or Respiratory Care Specialist for tracheostomy care were determined to be a related service.
- Cost for services would be $9/hr. or $13,680 /yr. The District currently employs at least 2 other CNAs at $7/hr.
- District failed to introduce any evidence that the care requested would be unduly burdensome.
- Avoid the "bright line test" to prevent exclusion of inexpensive medical services that happen to be provided by a physician.
- A direct test of financial burden to the district is appropriate to avoid forcing schools to provide "enormously expensive services that are clearly medical in nature."
- Distinguished from *Detsel* and *Bevin H.* "since district already provides similar, though somewhat less costly, care to other children in the district."

May Cost be a Factor in Placement Determinations?

6th Circuit Court, (1982), *Age v. Bullitt County Pub. Schools*, EHLR 553:556

- The court supported placement of a student receiving Oral/aural instruction in a local program with other students receiving total communication noting:
  "a student's need for a free, appropriate education must be reconciled with state's need to allocate scarce funds among as many handicapped children as possible"

Sixth Circuit Court (1983) *Ronker v. Walters*, EHLR 554:385

- "Cost is a proper factor to consider since excessive spending on one handicapped child deprives other handicapped children."
- Cost is no defense if the school district has failed to use its funds to provide a proper continuum of alternative placements for children with disabilities
- Placement in a segregated facility would be inappropriate if the services could be feasibly provided in a non-segregated setting.

Sixth Circuit Court (1984), *Clevenger V. Oak Ridge School Board*, EHLR: 556:213

- The cost of an educational placement is a legitimate, relevant consideration only when choosing between several options, all of which offer an "appropriate" education; when only one placement is appropriate, then there is no choice.

SEA - CA (1985) *Banning Unified School District*, EHLR: 507:428

- School district's proposed private school placement was found to be appropriate,
- Student permitted to remain at current, unilateral placement only if costs do not exceed costs of district's private placement proposal.

SEA, Wisconsin (1986), *Lake Mills Area School District*, EHLR 508:171

- Cost is not a defense when district fails to provide proper continuum of alternative placements.
- Cost may be relevant factor in determining placements and placement sites when appropriate alternatives are available.

8th Circuit Court (1987), *A.W. v. Northwest R-1 School District*, EHLR 558:294

- Upheld district court's determination that the addition of a teacher at the local, integrated placement "would directly reduce the educational benefits provided to other handicapped students by increasing the number of students taught by a single teacher at (segregated placement)" and would be "an inequitable expenditure of the finite funds available."
- A court may "consider both cost to the local school district and benefit to the child," when evaluating the school district's placement decision.
- The court declined to "tie the hands of local and state educational authorities who must balance the reality of limited public funds against the exceptional needs of handicapped children."

OCR Ruling (1987), *Churchill County (NV) School District*, EHLR 352:543

- District's refusal to consider alternate placement closer to home for financial and space-available reasons was a denial of FAPE.
- A nine-year-old student with mental retardation was in class with younger children because the district offered a "mentally handicapped program" only at one location further from the child's home.
- No opportunities for education with nondisabled students were available at program site.
- Plan to establish program to serve older students with mental retardation at a closer school was sufficient for compliance.

SEA - RI (1988), *John S. Doe v. Chariho Regional High School District*, EHLR: 401:120

- Parents and district conducted fruitless national search for appropriate placement for student with mild mental retardation, Hepatitis B carrier and Prader-Willi syndrome.
- Despite financial burden district had obligation to provide placement.
- Local district required to design, provide, and fund an individual residential placement.
- Local district required to hire a special teacher, locate housing and provide the requisite supervision.
- Cost to district did not relieve it of duty to provide appropriate placement.

11th Circuit Court (1991) *Greer v. Rome City School District*, 18 IDELR 412

- Districts may consider the cost of supplemental aids and services necessary to provide FAPE within the regular classroom.
- Districts may not decline to educate a student in a regular class because the cost would be "incrementally more expensive" than a self contained classroom.
- Districts cannot be required to provide a student with a full time teacher in order to be satisfactorily educated in a regular classroom.
- "If the cost of educating a handicapped child in a regular classroom is so great that it would significantly impact upon the education of other children in the district, then education in a regular classroom is not appropriate."

8th Circuit Court (1991), *Schuldt v. Mankato Independent Schl. Dist. # 77*, 18 IDELR 16

- The district had provided the student with an appropriate education in a fully integrated setting.
- The IDEA mandate of a placement "as close as possible" to the student's home, is not necessarily the neighborhood school.

- The IDEA did not require modifications to be made to the neighborhood school when the student was otherwise being provided an appropriate education at another facility within the district.
- The district court did not rely heavily on cost-benefit analysis for its ultimate decision.
- The district court noted that distance from a child's home is only one of several factors a school district must consider when deciding whether a child's placement complies with the IDEA.

SEA - VA, (1988) *Fairfax County Public Schools*, EHLR: 401:330

- District offered full continuum of placement alternatives.
- Center-based program was justified by need to make efficient use of scarce cued speech interpreters, to anticipate future needs and to accommodate staff attrition and needs of other students.
- District may consider economic factors in deciding whether to put cued speech interpreters and related resources in neighborhood school.
- Student's earlier placement in non-neighborhood school did not affect his motivation or performance
- Student's attendance at centralized program did not prevent participation in neighborhood activities.

4th Circuit Court (1991), *Barnett v. Fairfax County School Board*, 17 EHLR 350

- District's decision to centralize a cued speech program did not violate the IDEA
- District court properly denied a hearing impaired student's request for placement at his neighborhood high school.
- The determination of educational policy rests primarily with state and local officials.

OCR Ruling (1991), *Pennsylvania Department of Education*, 17 EHLR 1006

- The SEA's policy of requiring districts to exhaust in-state placement options prior to authorizing out of state placements did not deny FAPE because the policy only governed state funding assistance and did not prevent a district from making an out-of-state placement in advance of, or without, State approval of funding assistance.

SEA AZ (1992), *Superior Unified Sch. Dist. No. 15*, 19 IDELR 569

- 19-year-old student with multiple disabilities was ordered to continue placement at a segregated special education facility approx. 46 miles away rather then local school approx. 4 miles from home.
- The district "suffering severe economic distress" was not required to modify the local school due to the "financial burden" of "costly renovations".
- The review officer noted that the student was currently placed at the facility nearest to her home which was capable of providing all of the services required by her IEP.

Ohio Court of Appeals(1993), *Cremeans V. Fairland Local School District Board Of Education*, 21 IDELR 89

- District argued that lower court failed to consider that placement for one child would cost $94,000 or 16.4% of the district's $572,000 special education budget for 208 students.
- Court noted that cost considerations are only relevant when choosing between several options, all of which offer an appropriate education.

- Where the only placement that afforded a FAPE was highly expensive, the school district cannot rely on cost in support of an alternative placement.

U.S. Supreme Court, (1993) *Florence County Dist. Four v. Carter,* 20 IDELR 532

- Shannon Carter had been offered an IEP for her 10 grade year which provided 3 periods per week of resource services for reading with a proposed annual gain of only a 4 month grade equivalent (5.4 - 5.8 G.E.), The parents had placed Shannon in a private "non-approved" school and sought reimbursement.
- The Supreme Court found that retroactive reimbursement is appropriate when:
  1. The public school has failed to provide a FAPE;
  2. The private school has provided an appropriate program;
  3. The private school is substantially in compliance with IDEA;
  4. The tuition for the private school is reasonable.

U.S. District Court (D.C.) (1993), *E. Fisher, V. District Of Columbia*, 20 IDELR 419

- District's refusal to pay the full amount of tuition for students with disabilities who were publicly placed at private schools was an unlawful attempt to transfer its budgetary shortfalls to parents.
- District's actions had turned the parents into "beggars."
- If the District does not wish to pay the tuition charged by the private school, it can locate an alternative appropriate placement for the child.

OSEP Ruling (1994), *Letter to J. Fisher*, 21 IDELR 992

- "Stay put" would not require a district to continue a student with a disability in a facility which has been closed to meet the IDEA's least restrictive environment requirements.
- The district is required to maintain the student in an educational program that is substantially and materially similar.
- This would not constitute a change of placement requiring prior written notice although the district may wish to provide the parents with an explanation of why the change of location will not substantially or materially alter the student's program.

May Cost be a Consideration Under The Americans with Disabilities Act?

U.S. District Court, Colorado (1994), *Urban v. Jefferson County School District*, 21 IDELR 985

- The parent's assertion that the ADA establishes a parental right to choose/right to reject a placement made under the IDEA was found to be without merit.
- "The logical consequence of the parents dictating where the child will receive educational and transitional services is obvious and manifold:
  1. School districts would no longer be able to convene IEP staffings or develop programs with any control over the utilization or allocation of resources.
  2. They would instead have to react to parental demand concerning location, and presumably also the content of their educational or related services.
  3. Such consequences would result in financial constraints which would totally frustrate the underlying purposes of the IDEA."

Summary and Recommendations

1. Special education and related services must be provided at no cost to the parents.
2. Districts may use Federal, state, and local funding including Medicaid, Maternal and Child Health and private insurance.
3. Qualified staff may be contracted or employed on a full or part time basis.
4. Districts may establish allowable rates for evaluations.
5. Students with disabilities are entitled to comparable services including instructional time.
6. Center-based programs may be justified to make efficient use of scarce resources.
7. Cost of school health services which pose a **significant** financial burden **may** be excludable.
8. The cost of an educational placement is a legitimate, relevant consideration only when choosing between options which offer an appropriate education.
9. If the cost of supplemental aids and services is so great that it would **significantly** impact upon the education of other children in the district, then education in a regular classroom **may** not be appropriate.
10. Neither the IDEA nor Section 504 require modifications to a neighborhood school when FAPE is available at another integrated facility within the district.
11. Cost is no defense for the denial of FAPE.
12. Cost is no defense if the district has failed to provide a continuum of placements.
13. Cost is no defense when the only placement that affords a FAPE is highly expensive.

As parents, advocates and educators struggle to balance the often competing interests for providing appropriate services while balancing budgets, it is refreshing to know that the U.S. Department of Education is sensitive to these issues:

OSEP Advisory Ruling (1993) *Letter to Representative Larry Craig*, 20 IDELR 535

- The U.S. Department of Education "continuously strives to interpret and ensure implementation of the IDEA requirements in a manner consistent with the statutory mandate and the educational needs of children with disabilities, while seeking to avoid any unnecessary financial or administrative burdens on SEAs or LEAs."